

HAWAIIAN GAZETTE.

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FRIDAY, DECEMBER 30, 1898.

CONTEMPT OF COURT.

The tempers of lawyers are like those of horses. Some are mild and docile. Some are wild and restless, and can be held only with a strong bit and a tight rein. And there are other lawyers who are like vicious horses, who kick over the traces, lay their ears back and nip at their masters. The judges are the drivers appointed to hold the reins over these legal trotters, and guide them to the goal of justice. But the great majority of the legal trotters don't wish to be driven to the goal of justice, but to the goal of victory, which is, in one-half the cases, in an entirely different direction. The result is that they crowd each other off the highway and into the ditches. In these struggles with each other, the judges pull the reins or check them up, and then they let their heels fly into the air, or try to get the bits out of their mouths. The patience of the driver on the bench is sorely tested. For if he loses his temper, and sometimes he does, the entire "outfit" becomes a ridiculous affair.

Counsel have the usual infirmity of men, in the faith that the cause which each one advocates is the right one, and the cause which his opponent advocates is the wrong one. Admirable and honest zeal for the client creates this fault. But it leads to friction in lawsuits, and resentment of judicial control.

The power to punish for contempt of Court is absolutely necessary in order to preserve the dignity and administration of justice. It is a power which judges rarely use, unless contempt is marked and inexcusable. Frequently cases of mild or inadvertent contempt occur, which are overlooked by patient judges.

But experience shows that if the judges permit, through kindness, and a willingness to overlook infirmities, the tone of the Bench is lowered, and the tone of the Bar is lowered, and the best administration of justice then fails. The weakness of some judges permits their court rooms to become bear gardens by failing to keep a tight rein on the counsel.

The judges must have the power to punish summarily, because he has the evidence before him of the offense, and requires no testimony about it. The judge may be in error, in stating the law, which provokes the offense of contempt. The question of his error can only be reviewed by appeal to other judges. For if the lawyer on one side may denounce him for error, the lawyer on the other side may do so when he, in turn, is over-ruled. The captain of a ship may be in error, but the crew must not mutiny and take the command out of his hands.

"MAGIC TROUSERS."

Another of the misguided beings who must suffer under the whips of the cat-o'-nine tails, in the hands of Mr. Sewall's Organ is Prof. Martin who is one of the faithful members of the "rank and file" of patriots that did not urge the Government to make a war alliance with the United States in May last. For if reported correctly in the Organ, Mr. Martin said on the 6th of May last: "I would say we ought to act as if strictly independent." In saying so he, like the rest of the irresolute, was guilty, according to the rules of the Organ, of "cowardice" and "treason," although he is quite free from censure according to our own rules.

Prof. Martin has for some time carried on with deserved success, an establishment on Fort street, for the production of trousers and other clothing, and if he was as successful in covering the moral nakedness of some of his customers as he has been in covering their physical nakedness, he would be regarded as a "sweet boon" to mankind. In connection, however, with this establishment, he has furnished to the leading men of a leading party, a resort where he has with commendable industry generated the carbonic acid gas of patriotism which he has faithfully pumped into and charged the weary souls of the despondent and given them life and sparkling hope.

Nevertheless, he failed in what was recently discovered to be a very solemn crisis in May last, and like the rest of the backward patriots, must submit to the application on his back of the dreadful cat-o'-nine tails whose strings are loaded with "cowardice" and "treason."

What, then, is his attitude? Does he propose to submit with humility;

to be led to the whipping post, and send the air of the town with shrieks of pain when the "cat" prints his skin?

It is suggested to Prof. Martin that he act upon the fine idea, contained in the tale of the "Arabian Nights," regarding the magic dress, and protect himself. Let him construct for himself a pair of "Magic pants," or "Impervious overalls," which when properly adjusted, according to the legend, will render the blows of the "cat" harmless, and will resist even dynamite. It will enable him to smile with joy, and invite the wicked cat-o'-nine tails to try it again. Nor, is there any reason why a flat music box should not be inserted within the back of the "Magic pants," so that when the blows of the cat strike him, they will develop patriotic tunes, such as: "There's a New Moses in Town," and "Hot for Doie."

Prof. Martin may resent any suggestions regarding the "Magic pants," and prefer to suffer for the crime he has committed according to the candidate's Organ. "It is noble to suffer." Does he in silent communion with his political soul at the midnight hour, ever ask himself the question why he must suffer for an offense committed in May, which was treated, at the time, as a virtue by the Organ which is now using the candidate's cat-o'-nine tails over the backs of the rank and file?

100,000 MEN.

Secretary Alger's report recommends the increase of the regular army to 100,000 men. The British army, exclusive of the Indian army, that is now used in all parts of the world in preserving order, numbers only 130,000 men.

However desirable it is to maintain an army for the Government of the Philippines and Cuba, the strong opposition of the conservative forces on the Mainland against such an increase is already apparent. But in the end it will be settled mainly by the business profits there may be in expansion. No doubt there is a strong feeling in favor of establishing good government in the new acquisitions, but the people will get tired of that matter, just as they are tired of the negro question. After thirty years friction over the negro, the people of the North have said to the people of the South: "Take him and do as you like with him. We can't waste any more time over him. There is no money in it." The cost of helping the negro after the war was nothing. Helping the Filipinos to good government, and it surely ought to be done, will cost the nation many millions. And unless there is some adequate return for the investment, the nation will get tired of taxing itself for humanity.

GOV. ROOSEVELT.

Colonel Roosevelt is a Republican, but a distressing one when looked at by the machine men. He has never been picked out by the "boys" as a trustworthy politician, and we believe, has never been elected to any important office by the popular vote. He was incapable of making bargains, and uncommercial patriotism is not popular with the bosses.

The incident of war has made him Governor of New York. His efforts in the line of reform will be defeated by the union of both political parties in the legislature. He will be successful only in the cases where he has sole and absolute authority. The leaders of both parties regard him as a Mugwump carried into office by an extraordinary tidal wave. His official conduct will be extremely annoying to the leaders, as it was when he was one of the New York Police Commissioners. The independent journals will stand by him. The partisan journals will not endorse him with much enthusiasm.

But he is an educator. He will leave the politics of the State a little better than he found it. The party men will not love him. But the generation of young men, who are taking broader views will admire him, and his faith and his work will inspire them. Colonel Roosevelt and Colonel Waring were alike in temperament. The "boys" did not like them.

Once again, in the destruction of the Home Insurance Building, in New York, is demonstrated the impossibility of providing a fire proof structure. This house was a fifteen story sky scraper and the style is to be discouraged because adequate fire fighting appliances cannot be devised.

After many years, there is hopeful prospect that the Legislature of the State of California will vote to exempt Palo Alto (Stanford) University from taxation. Even U. C. partisans now advocate the favor. Palo Alto has struggled at times since the death of its founder. On one occasion Mrs. Stanford pledged her personal effects for running expenses of the college. And all that time one-fourth of the income of the school was going into the State Treasury as tribute.

THE BANKRUPTCY LAW.

The National Bankruptcy Law of 1898 is now in operation throughout the land, excepting only in those islands in which no Federal courts have been established. Section 4 of the Act is:

"Any person who owes debts, except a corporation, shall be entitled to the benefit of this act as a voluntary bankrupt."

"Any natural person, except a wage earner or a person engaged chiefly in farming or the tillage of the soil, any unincorporated company, and any incorporation engaged principally in manufacturing, trading, printing, publishing or mercantile pursuits, owing debts to the amount of one thousand dollars or over, may be adjudged an involuntary bankrupt upon default or upon an impartial trial, and shall be subject to the provisions and entitled to the benefits of this act. Private bankers, but not national banks or banks incorporated under state or territorial laws, may be adjudged involuntary bankrupts."

While the act went into effect at once, it was also provided that "proceedings commenced under state insolvency laws before the passage of this act shall not be affected by it."

Under the Bankruptcy Law of 1867, it was held (10 Fed. 277) that aliens resident within the country and owing debts there may take advantage of the act by filing voluntary petitions in bankruptcy. The same ruling will undoubtedly be held under the present law. Our esteemed Asiatic brethren will not be denied this blessing of civilization.

It is many years since the Bankruptcy Law of 1867 was repealed. That law operated in many cases, as a denial of justice. The bankrupt estates passed into the hands of the Registrars, appointed by the Federal courts, and enormous fees were charged. All classes of men finally became disgusted with its crude, and even cruel provisions, and all felt relieved when Congress tore the law out of the statute books.

The present law is not regarded as complete. It is in the nature of a compromise. At the same time, it is drawn, under the light of former experience, and avoids some of the most objectionable features of the repealed law.

The lawyers who have investigated the subject look upon the English Bankruptcy Laws as the best in existence. Those laws have been amended from time to time, in order to protect the mercantile interests, and at the same time, those traders who are unfortunate.

THE "OUTLOOK."

The retirement of Dr. Lyman Abbott from the pulpit of Plymouth Church in order to devote himself entirely to the editorial work of the Outlook, is the best proof of the steady growth of intelligence in the country. For the few hundreds who heard this remarkable man, as he stood in the pulpit, several hundred thousands of people will now read his varied sermons in the weekly Outlook.

Dr. Abbott does not belong to that class of preachers and laymen, found in this place and elsewhere, who are afraid of the liberal use of the human reason, and seem to suspect that in any broad discussion of religious matters, the Almighty's truth may get the worst of it. Dr. Abbott, like his renowned predecessor, Henry Ward Beecher, is not a practical atheist, though a theoretical believer. He refuses to accept the old doctrine that God and the Devil rule the world. He sees at the foot of every page of history, even though it be a record of the massacre of St. Bartholomew's day, the words, "God reigns." It is said of him that his preachings disturb the faith of men. So does the preaching of Christianity disturb the ancient faith of the Japanese. Who is to be the judge in these matters?

One can see the change of sentiment in the conspicuous Plymouth Church during the last forty years. Mr. Beecher, in 1861, from this pulpit, alluded to a former very orthodox preacher in the same pulpit, who said in it, "Man was susceptible of infinite increase in faculty and went on sinning forever, and his punishment would be augmented forever until it is probable that there are single individuals in this congregation who will suffer more in the periods of prospective ages than has been suffered by all the lost and damned in perdition since the beginning of time."

The human reason, which Dr. Abbott has such unbounded faith in, does not now tolerate such a lurid view of eternity. He is conspicuous for his attempts to bring common sense to bear upon the important spiritual questions.

The Outlook is one of the most successful efforts of modern times to break down the absurd distinction between religious and secular affairs. It treats human thought as one and indivisible; that character is one and indivisible, and cannot be divided off into lots like a farm, and labelled "religious lot," and "secular lot."

The Outlook, so far, is a great financial success, in its obliteration of these arbitrary distinctions. The common sense of the world slowly but surely becomes tired of conventions and theories. It is not the purpose of

the Outlook to disturb those who are contented by the doctrine preached by Mr. Beecher's predecessor. It reaches out to the younger generation which is impatient, and restless, under the increasing educational institutions of the country.

ANOTHER COLONY FAILED.

Another of the "Bellamy colonies" established in Hastings, N. C., has failed. The colony at one time contained over five hundred persons who were lured away by Bellamy's glittering generalities. Personal friends of this reformer often asked him how, in the execution of improved social schemes he could prevent the thriftless from becoming a burden upon the industrious and thrifty. His reply was that under favorable conditions all would be thrifty. He failed to see the weak side of human character, and all of those who have attempted to realize his schemes have also failed to see it.

The moment a community is formed, the brains of the active and selfish ones begin instinctively to contrive ways for getting the best of their associates.

In this Hastings colony brains counted for nothing. Those who shirked labor were as well cared for as those who were industrious. The social platform upon which the colonists stood was the equal honesty, equal industry of all. The platform was a rotten one. The failure is merely the ending of one more of those foolish attempts to make water run up hill. The time has not come when the man who has patiently cultivated his brain, is willing to take care of the man who has wilfully neglected to train his own brain.

It will require a persistent use of the art of "Natural Selection," and the careful breeding up of the race before Bellamy's prospects can be realized.

THE PASSING HOUR.

The Sunday School people here make the Merry Christmas season last week.

"The bird of time has but a little while to flutter—and the bird is on the wing."

If President McKinley's name was Bryan, he would be accused of endeavoring to politically cultivate the South.

A cry of distress again goes up from Armenia. Probably relief will be sent to that country, past Cuba, from here again.

Most of the men rather inclined to rove, are learning enough about Manila to decide to keep away from the Philippines.

Reviews of Ian. MacLaren's lectures on America have been received here. Sad to relate, he strictly follows precedent.

There is renewed consideration of Spanish trouble at home. This seems to have been the bother of the Dons from the first.

Singing is taught on board the British training ships. This is probably with a view to making the other fellows do the dancing.

Merchants who might be concerned in the matter exhibited in correspondence printed on page 1, have at least made their position clear.

The maintenance of Col. Bryan as a shouter here, there and everywhere in and out of season, must be a serious tax on some fund or other.

As Minneapolis says no, it is likely that the flour trust will die in the incipient stage. This is one of the blessings of the later days of 1898.

One of this paper's advertisers announces that he will do certain work at "more than reasonable prices." Purists might misconstrue the syntax.

It appears to be now demonstrated that the S. S. City of Columbia had diseased "innards" even before she was kidnapped from Hilo by Honolulu.

Now if the steamer people will only allow the '99 schedule to stand a few weeks the Honolulu mind can have time to give attention to New Year resolutions.

This town has always been the friend to the sailor man. Some stranded Jack Tars are to be given a theatrical benefit and the purchase of tickets should be general.

The Chinaman naturalized in Hawaii and resisting the "squeeze" process at Hongkong has to thank both the islands and the Britishers at Hongkong for his fortunate escape.

Lawyer Davis, whatever the outcome of the duello with Judge Perry can always have the flattering thought that he made a really eloquent address in the contempt proceedings.

Those hot-headed Irishmen in America who sneer at Justin McCarthy and a British understanding with the United States are keeping up the reputation of their race for disagreement.

Fort street should be widened if it can be done at any cost within reason. With its new buildings and many permanent shops it will long be the principal thoroughfare of the town. At any busy hour on ordinary days the street is practically blocked.

The Advertiser is pleased to have drawn a letter from the Rev. John Uehorne, of St. Clement's. Rev. Mr. Uehorne is a clear writer and makes plain some issues or conditions that the lay mind had failed to grasp. The Rector of St. Clement's is going at

Real Merit

IN GOOD OLD WAY

Is the characteristic of Hood's Sarsaparilla, and it is manifested every day in the remarkable cures this medicine accomplishes. Druggists say: When we sell a bottle of Hood's Sarsaparilla to a new customer we are sure to see him back in a few weeks after more—proving that the good results from a trial bottle warrant continuing its use. This positive merit

Hood's Sarsaparilla

possesses by virtue of the Peculiar Combination, Proportion and Process used in its preparation, and by which all the remedial value of the ingredients used is retained. Hood's Sarsaparilla is thus Peculiar to itself and absolutely unequalled in its powers as a blood purifier, and as a tonic for building up the weak and weary, and giving strength to the nerves. Be sure to get

Hood's Pills

Sold by all druggists. \$1; six for 5. Prepared only by C. I. Hood & Co., Apothecaries, Lowell, Mass.

are the only pills to take with Hood's Sarsaparilla. the business of making his stand permanent in a way that is skillful and vigorous.

The name of Mr. Aguinaldo is not noticed in the list of guests at the American Thanksgiving day feast in Manila. Perhaps there was a fear that Aguinaldo would claim the whole of the turkey.

One of the United States Senators is quoted as saying that there are Americans at Honolulu who want the Nicaragua Canal. Yes; there are some Americans here who want anything they can get.

The Paradise of the workman is evidently not without its tinge of distasteful feature. The Montreal Witness interview, given elsewhere in this issue, indicates that there must in time be a radical change—a complete readjustment.

The campaign for the Territorial Chief Justiceship is not on here yet, but what they used against Judge Zane when he was a candidate for re-election to similar office in Utah was that his son, an attorney, practiced before him regularly.

The Advertiser is not in "rahoots" with the Oahu Railway's advertised excursion to Kahuku, but it may be remarked that a whole lot of city people would be enlightened by making the trip and seeing the Island between Waihalua and Kahuku.

Gen. Guy V. Henry (Fighting Guy), now military commander of Porto Rico, will not permit a little thing like a religious war to worry him much. Gen. Henry is a graduated Indian fighter of the west and those men are ever alert and positive.

As Dr. Maxwell's returns to Washington on agriculture in Hawaii will be bulletined from the National Capital, the New England farmer closely housed in midwinter may read of the progress of the harvest of pineapples, oranges and bananas in another part of the United States.

The extension of the American tariff laws to this place will go a long way in the solution of the opium smuggling problem. The cost of maintenance of one branch of the Customs Service will be considerably reduced. Opium can be brought in by payment of duty of \$6 a pound. Its use can be regulated, so far as such a thing is to be governed by local legislation.

Atlantic Coast papers are urging, since the loss of the Boston S. S. Portland, with 200 lives, the strict maintenance of a weather blockade. This means that the port authorities shall have power to hold any craft when the weather indications warrant the assumption that a storm predicted will be dangerous. It should be done. As remarked some days ago, the stories of death and disaster come regularly from the New England coast when there is clearly a way to avert much of the calamity.

Island Agriculture.

United States Department of Agriculture, Office of Special Correspondent, Hawaiian Islands.

Honolulu, December 28, 1898.

Where information is required, or in communication with, or in dispatching matters to, or receiving matters from the Department of Agriculture of the United States Government, the public may consult with the local office established by the Secretary of Agriculture.

This office is commissioned to take cognizance of and report upon the agriculture of the islands, embracing sugar, rice, coffee, vegetables and fruits, medicinal plants, cereals, ranches, dairies and forests.

A first report on Hawaii has to be included in the annual report of this year of the Secretary of Agriculture to the President of the United States.

WALTER MAXWELL.

Hon. Special Agent and Correspondent for Hawaii.

SCANDIA'S NEXT VOYAGE.

SAN FRANCISCO, Dec. 22.—The crew of the transport Scandia was paid off today, \$12,000 being distributed. The vessel will go on the Hunter's Point drydock next Tuesday, after which she will be taken to the Union Iron Works to have her boilers overhauled and repairs made. It is expected that she will leave here about the middle of January with the Twentieth (?) Kansas Regiment, the officers and their wives. She will return about April with the First California Regiment.

VOLUNTEERS.

WASHINGTON, Dec. 21.—The beginning of the end of the volunteer army is at hand. The President today directed that a plan be prepared for mustering out of service 50,000 men.

Formal Turkey Day Feast Held in Manila.

American Consul Was the Host. He Entertained a Distinguished Company.

MANILA, Nov. 25.—The most distinguished gathering that has ever come together in Manila met at the Hallmann residence yesterday afternoon to take dinner with the United States Consul O. F. Williams, and inaugurate the good old custom of Thanksgiving.

The guests began to assemble about 1 o'clock and an hour later they had all arrived, and were conducted by the Consul to the dining hall, where names set at each plate and handsome souvenir menus indicated the different seats. The menus represented on the face an American flag in colors and a gold finished eagle. In varied type was the following: "Consul Williams' Thanksgiving Dinner, offered to the American Commanders, in the residence of Mr. G. Hallmann, Manila, Caladua de Iris 17, Thursday, 24th Nov., 1898." On the reverse was "America for ever."

Speeches were not to be in order although everybody would have been pleased to hear from three or four of the guests. At the conclusion Consul Williams made some interesting remarks in which he thanked the Admiral and his Captains, the General and his Generals and the Englishmen and other foreigners for their presence. He pointed to the American flag and said he hoped it would always wave in the Philippines. (Applause.) Continuing he touched on the kindly attitude of England toward America during the late disturbances, and spoke of the honor and love that they had won in the hearts of all Americans. (Applause.) Finally, coming to the subject of the day, he hoped the present distinguished inauguration of Thanksgiving would not be in vain and that the feast would be observed for all time in the Philippines.

The guests and host were seated in the following order: Consul O. F. Williams, Admiral Dewey, Gen. Anderson, Gen. McArthur, Capt. Coghan, Raleigh, Capt. Dyer, Baltimore, Brigadier General Reeves, Lieut. Bruner, Captain of Port, British Consul Ramsden, G. Cadell, Smith, Bell & Co.; Lieut. Bailey, Signal Corps; Capt. Singer, Manila; Belgian Consul Andree, H. D. C. Jones, H. & S. Bank; Capt. Walker, Concord; J. T. McCutcheon, Chicago Record; Chaplain Fleming, Gen. Owenshine, E. L. Jones, Associated Press; F. Brooks, Ed. American; E. Wildman, Vice Consul, Hongkong; Mr. Warner, Maj. Stomberg, U. S. A.; W. R. Vall, P. M. General; Col. McClure, Paymaster General; Capt. Lamberton, Olympia; P. G. McDonnell, N. Y. Journal; Brig. Gen. Hale, Gen. Otis, U. S. V.; Capt. Leutze, Monterey; G. Hallmann.

Consul Ramsden, in replying to a toast to his nation, said he had studied the attitude of nations during the late war with Spain, and the relations between his country and America were such as to please him very much. The friendship was most natural. Two countries bound by ties of blood, speech, government, commerce, and unity of aim could not fail to be allied. Though greater statesmen and lawyers than he had advocated it none did so with more warm personal interest. (Applause.)

Admiral Dewey complimented Consul Andree on his activity during the blockade, and many expressions of friendship were exchanged. At 5 o'clock the guests adjourned.

Oahu's New Officers.

An election of officers was held last evening in Oahu Lodge No. 1, Knights of Pythias. This will be the roster for the year 1899:

C. C.—Geo. E. Ward.
V. C.—Bro. Ericsson.
Prelate—Dr. St. Clair.
M. of W.—Bro. Becker.
K. of R. and S.—Bro. Kilbey.
M. of E.—Bro. Dall.
M. of F.—Bro. Kidder.
M. at A.—Bro. McCready.
I. G.—Bro. Doak.
O. G.—Bro. Wolters.
Physician—Dr. St. Clair.
Trustee—Bro. McLean.

These officers will be installed on Thursday evening next.

New Name List.

The 1898-9 Directory of the Hawaiian Islands, compiled by Mrs. Tomes for Husted and Company, of San Francisco and printed by the Hawaiian Gazette Company, is now issued. It has the names and residences as collected by the canvassers and a large amount of advertising. The book is well printed and the binding is in the best style.

FOR ISLAND TRADE.

SAN FRANCISCO, Dec. 21.—W. Matson, the well known managing owner of the bark Roderick Dhu and Santiago, has just completed the purchase of the fine four-masted ship Falls of Clyde. He master and crew left the vessel yesterday and her new owners will proceed at once to get her ready for the Hawaiian trade. The yards are to be taken off her jigger mast and she will be turned into a four-master bark.

TO RAISE MERCEDES.

NEW YORK, Dec. 21.—The Merritt & Chapman Company has made a contract with the Government for the raising of the Spanish war ship, Reina Mercedes.